

pect and claim an honourable Concurrence, and a reciprocal Correspondence from them, upon any the like Occasion. But, as to Sir *Walter Raleigh's* Confession at his Death, what he confessed, or denied, touching any the Points of this Declaration, his Majesty leaves him and his Conscience therein to God, as was said in the Beginning of this Discourse. For sovereign Princes cannot make a true Judgment, upon the bare Speeches, or Asseverations, of a Delinquent, at the Time of his Death, but their Judgment must be founded upon Examinations, Re-examinations, and Confrontments, and such-like real Proofs, as

all this former Discourse is made up of and built upon; all the material and most important of the said Examinations being taken under the Hands of the Examinates that could write, and that in the Presence of no fewer, than Six of his Majesty's Privy-Council, and attested by their alike several Subscriptions under their Hands; which were my Lords, the Archbishop of *Canterbury*, the Lord *Verulam* Lord Chancellor of *England*, the Earl of *Worcester* Lord Privy-Seal, Master Secretary *Naunton*, the Master of the Rolls, and Sir *Edward Coke*.

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A Narrative of the Imprisonment and Usage of Col. *John Hutchinson*, of *Owthorp* in the County of *Nottingham*, Esq; now close Prisoner in the *Tower of London*. Written by himself, on the Sixth of *April*, 1664, having then received Intimation that he was to be sent away to another Prison; and therefore he thought fit to print this, for the Satisfying his Relations and Friends of his Innocence.

*Let the Proud be ashamed, for they deal perversly with me, without a Cause; but I will meditate in thy Precepts. Psal. cxix.*  
78.

Printed in the Year 1664. Quarto, containing twelve Pages.

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#### A D V E R T I S E M E N T.

The following Narrative, being written with an Air of the strictest Veracity, ought to be preserved among the other Materials for History, which we accumulate in these Collections, as it affords a very just Idea of the Methods of Justice, which were at that Time in Use, and may assist our Readers in forming a Judgment of the Reign of Charles the Second.

One Advantage at least will be afforded by the Perusal of this Piece; the Reader, amidst this Indignation at the Cruelties, and his Pity of the Hardships which are here recounted, cannot fail to congratulate himself upon the Happiness of living at a Time, when no such Miseries are to be felt, or such Practices to be feared. — J.\*

Upon

**U**PON the eleventh Day of *October*, 1663, being the *Lord's-Day*, about Seven of the Clock at Night, there being at that Time no one Person but my own Family in the House with me, a Party of Horse came to my House at *Owthorp* in *Nottinghamshire*, commanded by one Coronet *Atkinson*, who told me, I must immediately go with him to *Newark*. I demanded to see his Warrant; and, after some Dispute, he shewed me a Scrip of Paper, signed by Mr. *Francis Leke*, one of the Deputy Lieutenants, to this Effect, as near as I can remember, for he would not give me a Copy of it.

To Coronet *Atkinson*.

*YOU are hereby required, to repair to the House of John Hutchinson, Esq; at Owthorp, with a Party of Horse, and him to seize and bring forthwith to Newark, and to search the said House for what Arms you can find, and bring them away also.*

Having shewed me this Order, they searched the House, and found no Arms, but four Birding-Guns of my Sons, which hung openly in the Kitchen, and them at that Time they left; but although the Night was very foul and rainy, and I myself was not at that Time well, and had not any Accommodation for Riding, neither of Horses, Saddles, or other Necessaries, not having been on Horseback for many Months before; and though I and my Family urged these Reasons to them, offering all civil Entertainment, if they would but have staid till the next Morning, when I might have gone with the less Hazard of my Life and Health; yet could I not prevail with them, but he forced me to borrow Horses and go out of my House at Midnight; and, about Four of the Clock the next Morning, they brought me to the *Talbot* at *Newark*, which is twelve Miles distant from my House, and set two Sentinels upon me in my Chamber.

While I was thus kept Prisoner at *Newark*, a greater Party of Horse than that which fetched me, was sent again to my House at *Owthorp*, under the Command of *Tomson* the Innkeeper where I lay, who, on *Tuesday* the 13th of *October* at Night, came thither, and made a stricter Search all over the House, in

every Box and Trunk, in all the Barns, Mows, and every Hole they could imagine, yet found no more Arms than the four Guns, which the former Party left behind them, but these took away; the rest of the Arms, which I had of old, having been all taken away immediately after the Act of *Conviction* past, which, as I conceive, left me as rightful a Possessor of my own Goods, as any other *Englishman*; yet, when I was at *London*, Mr. *Cecil Cooper* sent a Party of Soldiers, and took them all out of my House, leaving me not so much as a Sword, though at that Time there was no Prohibition of my wearing one.

Having been removed out of the Chamber where I was first lodged at *Tomson's*, into a very bad Room, upon Pretence that the other looked into the Market-place, I received many more Insolences and Affronts from the *drunken Host*, till at length I was resolved to bear them no longer; seeing, although I had now been four Days at *Newark*, neither the Gentleman by whose Warrant I was fetched, tho' he came every Day to the House where I was, nor any of the King's Officers came at me, to let me know why I was kept there. Whereupon, being provoked by the Insolence of the Host to throw something at his Head, upon the Bustle between us, Mr. *Leke* came in, and I had then Opportunity to tell him that I stood upon my Justification, and desired to know my Crime, and my Accuser; and in the mean Time that I might be kept as safe as they pleased, so I might be delivered out of the Hands of this insolent Fellow, and have Accommodation fit for a Gentleman; which when they saw I would no longer want, with much Difficulty, after two Days, I obtained to be removed to the next Inn, where I was civilly treated, with Guards still remaining upon me.

On *Monday, October* the Nineteenth, Mr. *Leke* carried me with a Guard of Horse to *Welbeck*, the Marquess of *Newcastle's* House, where I was honourably entertained by the Marquess, who, upon Discourse with me, told me, he heard I desired to know my Accuser, which, he said, he knew no more than I; and my Lord, upon the Arguments I alledged to him, to evince my Innocence, being persuaded of it, sent me back without a Guard, only engaging me to stay one Week at Home at my own House, in which Space, if I heard no more from him, I might be free to go whither I would.

I would. I was not willing to have accepted this Favour, but rather desired to stay in Custody till my Accuser was produced, and I could clear myself, but, my Lord pressing it upon me, I could not refuse it; so that Night I returned to *Newark*, and the next Day to my own House, where I stayed only till *Thursday* the Twenty-second, on which Day, about Eleven of the Clock in the Forenoon, I was fetched again Prisoner by a Party of Horse, commanded by Corporal *Wilson*, with a Warrant signed by Mr. *Leke*, and brought again to *Newark* to Mr. *Twentimans*, where I was last quartered, and two Sentinels again set upon me.

The Twenty-third, Mr. *Leke* came to me, and shewed me a Letter he had received from the Marquess of *Newcastle*, acquainting him, he was sorry he could not pursue the Civility he intended me, having received Orders from the Duke of *Buckingham*, that I should be kept Prisoner, without Pen, Ink, or Paper; and, to shew the Reality of this, there was a Copy of the Letter that brought the Order to the Marquess, wherein there was an Expression to this Effect: 'That, though the Duke could not make it out as yet, he was confident he should find me to be in the Plot. After Mr. *Leke* had communicated this to me, he told me, that he himself was to go to *London*, and the Mayor of *Newark* was to take me into his Charge.

After he was gone from me, the Mayor sent one *Robert Beck* to tell me, I must go along with him to his House. I asked him who he was; he told me, he was the Jailor. I asked if his House were the Jail; he told me had Prisoners in it. I asked him what Warrant, *Mittimus*, or Order he had to take me into his Custody, as his Prisoner; he told me, he had none in Writing, but the Mayor's verbal Order. I told him, I would not go to Jail upon a verbal Order, for no Magistrate could send me to Jail without a *Mittimus*, expressing some Crime, as the Cause of his so doing; and therefore I desired him to return to the Mayor, and wish him to consider what he did, and to take Counsel of any of the Lawyers in his own Town, whether he could legally carry me to the Jail, without calling me before him, or having any Complaint against me. But he was resolved, right or wrong, I should go thither; and, after many vain Messages to intreat me to go, when I

V O L. III.

would not be persuaded to it voluntarily, he sent five Constables, without any Warrant, but his own Word, to seize and carry me by Force. I admonished them also of their illegal Violence upon me; but they were bold to affront the Laws, and forced me out of my Quarters, along the Streets, and into the Jail, where I again told the Jailor what Danger of the Law he incurred, by receiving and detaining me Prisoner; and asked him if he had any *Mittimus* under any Magistrate's Hand, to take me into his Custody as Prisoner? He told me, he had none but the Mayor's verbal Order, and he must do it, for the Mayor had promised to bear him out; which I desired the Constables, Soldiers, and the rest of the Company to bear Witness of, how that, without any legal Commitment, I was forced into the Jail, where afterwards the Fellow used me, for the Time I stayed, as civilly as his House would afford; but, by Reason of the Plaister-floors, which I was not used to, I fell sick there, where I remained, from *Friday* at Night, *October* the Twenty-third, till *Wednesday* the Twenty-eighth, about Ten of the Clock in the Morning.

Upon the Twenty-seventh, Mr. *Leke* came to me at the Jail, and with him the Marquess of *Newcastle*'s Secretary, and told me the Marquess had received express Orders from the King, to send me up in safe Custody to *London*: But Mr. *Leke*, finding me very ill, was so civil as to allow me to go up to *London* by my own House (which was near a Road) that I might take Accommodations for my Journey, and be carried up in my own Coach, without which, I had not been able to have gone at that Time. Mr. *Leke* himself, being necessitated to make more Haste, went away before the Party of Horse, that was to guard me up, came into *Newark*; and left his Orders for sending me away with Mr. *Atkinson*, who first seized me Prisoner.

The same Twenty-seventh of *October*, another Party of Horse came again late in the Night to my House, and searched my Papers, my Wife and I being both at *Newark*, what Cabinets they found not the Keys of, they broke open.

On the Twenty-eighth, in Order to my going to *London*, I was brought by *Berk* the Jailor back to *Twentimans*, to be delivered to the Party of Horse that was to guard me to *London*: But, they coming very slowly and unwillingly

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willingly upon that Account, I remained all that Day in the Custody of the Jailor at the Inn. At Night when I was in Bed, the Mayor, being in his Cups, sent to command me, to be carried back to the Jail; but the Jailor being then more civil and wise, knowing that I had been some Time in Bed, refused to disturb me, and offered that he, and his Man, would sit up as a Guard upon me; which would not satisfy, but they sent two Soldiers to be set at my Door. The next Day, the Party, commanded to guard me up, not being come into *Newark*, a mean Fellow, which was to command them, came and told me, I must go another Way, and not by my own House, nor have the Privilege of being carried by my own Coach, which Mr. *Leke* had allowed me. Whereupon I sent to Mr. *Atkinson*, who had the Order from Mr. *Leke* to send me away, and he having been formerly a great Prosecutor of me, though unsuccessfully, to have broken the Act of Oblivion upon me: Whether Malice, or Ignorance how to behave himself, or Vexation to find the Country so unready in this Service, moved him to it, I know not, but he was so obstinate, in a peevish cross Humour, to have cut me off from all the Humanity that Mr. *Leke* had shewed me; that, although Mr. *Cecil Cooper*, and Mr. *Penistone Whalley*, one a Deputy Lieutenant, and both Justices of the Peace of the County, persuaded him all they could, yet no reasonable Thing could be obtained from him, till I, growing as resolute as he, was dispatching a Post to the Marquis of *Newcastle*, to intreat a Countermand of his Barbarism, who would have forced me on Horse-back when I was so ill that I could not have ridden one Stage, without manifest Hazard of never being able to ride another. At length, by the renewed civil Interposition of Mr. *Cooper*, he was overruled to condescend, that, some of the Horse appointed for my Guard being come in, I should go with them to my own House that Night, and there expect the rest the next Morning. This Contest ending about Sunset, the twenty-ninth Day I was brought out of *Newark*, and the Coach overthrown and broken in the Night, so that I was forced to stay the next Day at *Owthorpe* to mend it, and, on *Saturday* the Thirty-fifth, was brought to *Stamford* where I would have rested the Sabbath-day, but, they not suffering me, on *Tuesday* the Third of *November*, I was brought to

the *Crown* in *Holbourn*, and the next Morning received by Mr. *Leke*, and immediately carried, with Part of the Guard that brought me up, to the *Tower of London*; and, by the same Mr. *Leke*, now Sir *Francis Leke*, delivered there a Prisoner, by a Warrant signed by Secretary *Bennet*, bearing Date the Twenty-fifth of *October*, wherein I stood committed close Prisoner for treasonable Practices, although the Secretary had never seen nor examined me, nor any other Magistrate, to know whether or no I could clear myself from the Charge of treasonable Practices, if there were any such given against me.

On *Friday, November* the Sixth, I was sent for by Secretary *Bennet* to his Lodgings at *White-Hall*, which was the first Time I was examined, and the Questions he asked me were,

1. Where I had lived these four or five Months?

I answered, Constantly at my own House in *Nottinghamshire*.

2. What Company used to resort to my House?

I told him, None, not so much as my nearest Relations scarce ever saw me.

3. What Company I frequented?

I told him, None, for I never stirred out of my own House to visit any.

He said, That was very much.

4. Whether I knew Mr. *Henry Nevil*?

I answered, Very well.

He asked, When I saw him?

I said, To my best Remembrance, never since the King came in.

Then he asked, When I writ to him?

I said, Never in my Life.

When he writ to me?

I said, Never.

Whether any Messages had passed from him to me, or me to him?

I answered, None at all.

5. Whether none had ever moved any Thing concerning a Republick to me?

I told him, I knew none so indiscreet.

6. What Children I had?

I told him, Four Sons and four Daughters.

What Age my Sons were?

I told him, Two were at Man's Estate, two little Children.

7. Where I went to Church to hear Divine Service, Common-Prayer?

I told

I told him, No where; for I never stirred out of my own House.

Whether I had it not read there?

I answered ingenuously, No.

How I then did for my Soul's Comfort?

To which I answered, Sir, I hope you will leave that for me to account between God and my own Soul.

He then told me, I had cut him off of many Questions he should have asked me, by my Answer to these, and I might return.

So I was sent back again to the *Tower*, with two of the Warders which brought me thither to guard me.

Not long after, at the same Time, when Mr. *Waters*, who was brought Prisoner to the *Tower* out of *Yorkshire*, was sent for to *Whitehall*, I was also in very great Haste carried thither; but with a stronger Guard, and greater Formality and Strictness, than before; for now I had not only the Deputy-Lieutenant, and my own Keeper, but a Guard of Musketiers by Water with me; and, when I came to land at *Whitehall*-Stairs, there was ready an Officer, one Mr. *Andrews*, to receive me, who, with a File or two of Musketers, carried me to Sir *Henry Bennet's* Lodgings, and there I observed a great Deal of Care to place the Guard at the outward Door in the Court, that none might peep in, except some few Gentlemen, who were admitted to stare me in the Face, none being in the Room, except Mr. *Andrews* and myself, for a long Time, till at last my Keeper thrust in. In which Room I thus stayed two Hours, concluding that I should now be confronted by some Accuser, or at least have an Examination more tending to reasonable Practices than my first seemed to do, especially understanding that Mr. *Waters* had been some Hours before in the House, and was yet there; but, at last, out comes Mr. Secretary *Bennet*, who calling a little aside to the Window, from Mr. *Andrews* and my Keeper, says, 'Mr. *Hutchinson*, you have now been some Days Prisoner, have you recollected yourself any Thing more that you have to say, than when I last spoke to you?'

To whom I answered, That I had nothing to recollect, nor more to say.

Are you sure of it? said he.

I replied, Very sure.

Then, said he, you must return to Prison.

And accordingly I was carried by the same Guard back again to the *Tower*, where I have ever since been kept close Prisoner, with all imaginable Strictness, to the Ruin of my Health and all my Affairs.

After *Michaelmas* Term had thus past, in the Beginning of *Candlemas* Term, I sent my Wife to Sir *Henry Bennet*, to acquaint him what infinite Prejudice this close Imprisonment was to me, by Reason of a Mortgage upon my Estate, and the Advantage that my Tenants and all other People made of my close Restraint, which hindered me from speaking to my Lawyers and others, that it nearly concerned me, to treat with, about my Affairs; but the Secretary told her, that I was a very unhappy Person, in regard of my former Crimes. To which she answered, she esteemed me very happy, in that I was comprised in the Act of Oblivion; but, he with a doubled Reflexion on my former Crimes, notwithstanding she had put him in Mind of the Act Oblivion, said, He should not move the King to allow me any more Liberty, unless he could be secured, it might be more safe for his Majesty, than he could apprehend it. After such a real Necessity, as she made it appear to him, there was of suffering Persons to come to me, to treat of the Concernments of my Estate, it booted her not, to urge the Danger of my Health, and all other Inconveniences which I suffered by being forced to make Provision for my dispersed Family in three Places, the intolerable Charge of it, and the Impossibility of procuring Supplies, while I was kept thus. All this was neglected, and wrought no other Effect, but to turn the undeserved Oppressions, I groan under, into as unjust a Reproach upon me.

I had not written this Narrative, but that I understand, now, after twenty-two Weeks close Imprisonment in the *Tower*, instead of being brought to a legal Trial, or set at Liberty, I am to be removed from hence to another Prison; and though the Form and Date of the Warrant of my Commitment close Prisoner to the *Tower of London*, compared with the Day of my first being brought to Town, together with the Times and Manner of my Examinations by Mr. Secretary *Bennet*, did clearly let me see, how it was resolved I should be disposed of, before it could possibly be known whether I should appear guilty or innocent, if any Accusation was given in against me,

me, not having at that Time, nor till some Days after I had been close Prisoner in the *Tower*, ever been examined by any Man; yet it being still more manifest, by assigning me to a Prison, in a Place so remote from my Family and Affairs, and so dangerous to my infirm Constitution, to say nothing of the intolerable Charge, as that is, to which I hear I must go; and indeed, neither this where yet I am, whilst I am close kept up, nor scarce any other Isle or Castle, that I know of, will be much less mischievous to me in those Respects. I hold it a Duty I owe to my own Innocence, to publish this Narrative, whether I be sent away, or stay in this Prison, it be-

ing equally destructive to my Life and Family; leaving my Blood, if thus spilt, and the Ruin of my Family, thus occasioned, to cry to Heaven for that Justice, which I am not thought worthy of here. And whilst I am yet suffered to breathe, having no other Refuge on Earth, putting up my Petitions to the great Judge of Heaven and Earth, as one not without Hope in God, in the Words of the Prophet *David*, Psal. xliii. *Judge me, O God, and plead my Cause, &c.*

From the Tower of London,  
April 6, at Night,  
1564.

*John Hutchinson.*

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A true Report of the Arraignment, Tryall, Conuiction, and Condemnation, of a *Popish* Priest, named *Robert Drewrie*, at the Sessions-house in the *Old Baylie*, on *Friday* and *Wednesday*, the Twentieth and Twenty-fourth of *February*; the extraordinary great Grace and Mercie offered him, and and his stubborne, traytorous, and willfull Refusall. Also the Tryall and Death of *Humphrey Lloyd*, for maliciouslie Murdering one of the Guard. And, lastly, the Execution of the said *Robert Drewrie*, drawn in his Priestly Habit, and as he was a *Benedictine* Fryer, on *Thursdaie* following to *Tiborne*, where he was hanged and quartered. *London*, printed for *Iefferie Chorlton*, and are to be sold at his Shop adioyning to the great North Door of *Paules*, MDCVII. *Quarto*, black Letter, containing four Sheets.

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*The following Account of a Priest, who chose rather to die than to take the Oath of Allegiance to King James the First, an Oath, which many of the Secular Priests publicly defended, and which very few of the Laity refused, is in itself very remarkable; nor can it be doubted that his Firmness will be applauded by some, and his Bigotry severely censured by others.*

*But it will be thought by the Reader still more extraordinary, when he has been told, what the Author of this Narrative does not seem to have known, that this Priest was, in some Degree, the Author of that Oath, which he died for Refusing.*

In the Year 1602, a considerable Number of the Secular Priests, who had for some Time publicly opposed the Principles, and condemned the Practices of the Jesuits, resolved yet farther to distinguish themselves from them, by a solemn and authentick Protestation of their Fidelity and Allegiance, and therefore drew up an Instrument, by which they confessed: "That they were all liable by the Laws of the Land to Death, by their  
" Coming into the Kingdom, after their Taking the Order of Priesthood since the  
" first Year of her Majesty's Reign, but that, whereas it hath pleased their dread  
" sovereign Lady to take some Notice of the Faith and Loyalty of them, her natural  
" born Subjects, Secular Priests, and her Princely Clemency hath given a sufficient  
" Earnest of some merciful Favour towards them, and only demanded of them a true  
" Profession of their Allegiance, thereby to be assured of their Fidelity to her Majesty's  
" Person, Crown, Estate, and Dignity, they whose Names are thereunder written, in  
" most humble Wise prostrate at her Majesty's Feet, do acknowledge themselves infinite-  
" ly bound unto her Majesty therefore, and are most willing to give such Assurance and  
" Satisfaction in this Point, as any Catholick Priests can or ought to give unto their  
" Sovereign."

They then proceed thus:

- I. Therefore we acknowledge and confess the Queen's Majesty to have as full Authority, Power, and Sovereignty over us, and over all the Subjects of this Realm, as any her Highness's Predecessors ever had.
- II. Whereas, for these many Years past, divers Conspirators against her Majesty's Person and Estate, and other forcible Attempts for Invading and Conquering her Dominions, have been made, we know not under what Pretence, or Intendments of restoring the Catholick Religion by the Sword (a Course most strange in the World, and undertaken solely and peculiarly against her Majesty and her Kingdoms, amongst other Princes departed from the Religion and Obedience of the See Apostolick no less than she) by Reason of which violent Enterprises, her Majesty, otherwise of singular Clemency towards her Subjects, hath been greatly moved to ordain and execute severer Laws against Catholicks (which, by Reason of their Union with the Apostolick See, in Faith and Religion, were easily supposed to favour these Conspiracies and Invasions) than, perhaps, had ever been enacted or thought upon, if such Hostility and Wars had never been undertaken, we, to assure her Majesty of our most faithful Loyalty, also in this particular Cause, do sincerely protest, and by this our publick Fact make known to all the Christian World, that in these Cases of Conspiracies, of praetising her Majesty's Death, of Invasion, &c.

They then declared their Abhorrence of all such Practices and all Treasons, and made very solemn Protestations of their Fidelity and Allegiance.

From this Declaration, which was signed by Robert Drewry, and twelve others, was the Oath of Allegiance formed, by which the Government intended not so much to distinguish Protestants from Papists, as one Kind of Papists from another. But Robert Drewry, who had signed the Declaration in 1602, chose, in 1607, rather to suffer Death, than to take the Oath.——J\*